

J. CLAYTON ERB SHOT DEAD

HIS SISTER-IN-LAW ARRESTED,
ACCUSED OF KILLING HIM.

Dead Man Was Israel W. Durham's Confidential Secretary, a Leader of Philadelphia Politics, and Had Quarrelled Often With His Wife and Her Sister.

PHILADELPHIA, Oct. 6.—Capt. J. Clayton Erb, confidential secretary to Israel W. Durham, and one of the political leaders of Philadelphia, was shot and killed instantly at his country home, Red Gables, a Gle ridge, some miles outside of Media, to-night.

Mrs. Harry G. Beisel of Philadelphia, sister of Mrs. Erb, was arrested late to-night by Constable Simpson of Rockdale, charged with killing him. The authorities said it was during a quarrel in which Mrs. Erb's life was in danger.

Erb's body was found by Deputy Coroner Eugene F. White of Delaware county, when he was summoned, lying in a hallway on the second floor. The revolver was found on a dressing stand in the room which Mrs. Beisel occupied.

Mrs. Beisel is being held a prisoner in the Erb house. She will be taken to Media, the county seat, some time during the night.

Erb was killed shortly before 9 o'clock. His wife and her sister, Mrs. Beisel, who lives in South Sixteenth street, Philadelphia, are said to have been the only persons in the house.

A gardener employed by Erb ran to the house of Dr. Collihan, a few hundred yards from the Erb house, and told him of the tragedy. Dr. Collihan hurried to the Erb house, and mounting the stairs came upon the body of Erb lying dead in the hall.

In order not to disturb the body before the coroner came he refrained from making an investigation that would determine the place and character of the wounds, but a cursory look at the body showed that Erb was dead.

The physician was reluctant to make any statement concerning the shooting. When asked by telephone whether Mrs. Erb and Mrs. Beisel had been in the room with Erb when he was shot he said he did not know.

"Did either Mrs. Erb or Mrs. Beisel make any statement?" he was asked.

"None positive, and none that I can give out," the physician replied.

A coachman employed at the Erb place ran from Red Gables to Chester Heights to secure the services of Constable Simpson told people in the office of the Mountain House to send Simpson to Red Gables at once.

Capt. Erb and Mrs. Erb have been leading a curious life lately. He had publicly accused her of intimacy with a number of men and two weeks ago had her arrested on a charge of poisoning him. The charge was later abandoned by Erb, but he was still firm in his declarations that the attempt had been made upon his life. Mrs. Beisel declared that Erb had not been poisoned but had taken a drink of hair tonic in mistake for whiskey.

Erb and his wife lived in different parts of the old mansion and did not speak. Mrs. Erb last week had her husband arrested on the charge of setting force dogs upon her, and he had been held for court.

About two months ago Mrs. Erb had her husband's negro coachman arrested charged with threatening to kill her. She said he had made these threats when she accused him of spying upon her actions. When the case came up Erb defended the coachman and used every means possible to have the case dismissed.

Many quarrels have reached the public ear including threatened actions and cross-actions for divorce.

Mrs. Erb's name before her marriage to Capt. Erb had been connected with that of a broker named E. Rothermel, who shot and killed himself a month before her marriage with Erb. She is a brunette, a good horsewoman and had many admirers.

Mrs. Beisel is a young woman scarcely more than 25 and has taken her sister's part in the domestic trouble that has rent the Erb household. She has spent most of her time at Red Gables, and both she and Mrs. Erb frequently have been ordered from the place.

The house the Erbs lived in is an ancient mansion in a great estate five miles away from the nearest trolley line.

Capt. Erb served throughout the Spanish-American War. He was identified with a number of corporations and was reported to be worth \$500,000. He was one of Israel W. Durham's most trusted lieutenants during the Quay trial and in the City Party revolt, and was a storm centre during that time.

GIRL OF FIFTEEN A SUICIDE.

Left a Letter for Her Grandmother—Killed by Gas.

Elizabeth Grace Anderson, 15 years old, was asphyxiated by gas in the kitchen of her home at 538 East 138th street last night. Her stepfather, Gustav Bishop, found that the doors and windows had been locked.

Dr. Thomas Curtin, coroner McDonald's physician, said that the girl evidently had planned suicide. She left a letter to her grandmother, Mrs. Anderson, but the police and the coroner would not make it public. Mr. Bishop said that the girl had suffered from heart disease, but he knew of no reason why she should kill herself.

\$20,000,000 ESTATE DIVIDED.

T. R. Shear of New York One of J. G. Packard's Residuary Legatees.

MARTINEVILLE, Cal., Oct. 6.—The will of John G. Packard, who died on Saturday, was filed here for probate to-day. The estate, estimated at \$20,000,000, is divided equally between Edward Winslow Packard and his wife and Theodore R. Shear of New York city after several bequests are paid.

These relatives in the East receive \$10,000 each. Julia C. Wells and Mary W. Ellis of Rochester, N. Y.; Emma Rogers, Evanston, Ill.; Harriet Carleton, Albany, N. Y.; Josephine Dorrance, Sandy Point, Md.; Kate Clover, New York city; John C. Packard, Williamsport, Pa.; and Marian Marsh, Plainfield, N. J.

ALDERMEN PROBE PROBERS.

Color Slits 'Em on to the Commissioners of Accounts.

The Aldermen decided yesterday to investigate the investigators. They adopted a resolution yesterday calling upon the Commissioners of Accounts to furnish as speedily as possible statements of the sums they have expended on the investigations they have been making in the last year and what percentage of the appropriation for the administration of the department has been spent in paying accounting experts and inspectors to go ferreting around the offices of other departments and delving into the books and ledgers of the borough administrations.

Borough President Coler of Brooklyn introduced the resolution. The Commissioners of Accounts have had experts at work on his books for three months, and in a speech he made at yesterday's meeting he intimated that he resents the intrusion. He declared that the Commissioners were spending money unnecessarily nosing around, and he exclaimed:

"Let us have a showdown! These Commissioners are striking at the Borough Presidents and at the heads of the departments and are spending money right and left. What's behind it all? Is it politics or is it just personal persecution? It is time that we struck back at these Commissioners and those who are prodding them to make attacks on certain officials and certain departments. The expense of conducting my office last year was 5.7 per cent. of the budget, and yet despite that small proportion some one thinks that it is necessary to investigate me."

Mr. Coler went on to say that he knew that the Commissioners "had condoned crimes in some departments," while they had persecuted heads of other departments "who were not guilty of such crimes."

After the meeting Mr. Coler was asked for more specific information on these condonations and crimes, but he only said that he would be more explicit when circumstances called for it.

FIGHT BETWEEN RAILROADS.

Pennsylvania Division and Union Road Locked Over Bronx Right of Way.

The Godwin estate, which owns property on Bailey avenue to Riverdale avenue, The Bronx, four weeks ago got an injunction against the Union Railway Company restraining the company from continuing the Kingsbridge line, which at present stops at 23rd street.

This injunction was removed about a week ago, but since then the officials of the Pennsylvania division of the New York Central have refused to allow the Union Railway Company to cross its tracks.

An engine has been kept running day and night. About seventy-five laborers were brought to 23rd street yesterday by the Union Railway Company. The same number was brought there by the other company later in the day. A barrier of rails was piled up as an obstruction to the Union Railway Company's passing the other tracks.

At midnight last night the laborers of the two roads were caught at the crossing and it was said that the Union company might make a move before morning.

SHOOTING FELLOW POLICEMAN.

One of Bugher's Men Wounded in the Arm by Policeman in Uniform.

Policeman Michael J. McGrath, attached to Deputy Commissioner Bugher's office, was shot in the arm and clubbed on the head last night by Policeman Max Greenbaum of the East Fifty-first street station. McGrath was in plain clothes, and Greenbaum said after the shooting that McGrath had attempted to shoot him when he questioned him about what he was doing.

Greenbaum told Capt. Lantry of the East Fifty-first street station that he found McGrath lying in the doorway of a pawnshop at 665 Third avenue. He thought he was drunk and tried to arouse him. He said that McGrath said nothing about being a policeman, but drew a blackjack and a revolver and tried to assault him.

Greenbaum said that he shot at McGrath's right arm in order to disarm him. McGrath was taken to the Flower Hospital to have his wounds dressed. His condition is not serious.

All that McGrath would say when questioned about the shooting was that he had been working on a "plant" when Greenbaum assaulted him.

Capt. Lantry put Greenbaum under guard at the station.

The shooting attracted a crowd and Capt. Lantry turned out the reserves. Father Hughes and Father Murray of St. Agnes's Roman Catholic Church in Forty-third street were called to attend McGrath. The ambulance surgeon said that McGrath did not need a priest.

At the hospital it was found that McGrath had two bullet wounds in his arm instead of one, as it was supposed at first. McGrath wore a gingham jumper and a battered derby hat. He said he was waiting for his partner when Greenbaum tackled him. Beyond that McGrath refused to say what mission he was on.

Early this morning Inspector Walsh went to the hospital and put McGrath under arrest on charges of assault and resisting a policeman.

GEORGIA ELECTION TO-DAY.

Brown Sure of Election—Disfranchisement Amendment May Be Rejected.

ATLANTA, Oct. 6.—Georgia votes to-morrow for Governor and State officers and also on a disfranchisement amendment to the Constitution, the purpose of which is to deprive ignorant negroes of the ballot.

For the first time in years the Democratic ticket has opposition. Joseph M. Brown for Governor being opposed by Yancy Carter, put forward by the Hearst party. With the exception of Governor the Democratic ticket is unopposed.

Brown will be elected, though Carter will poll a strong vote. Carter's vote will not represent Hearst strength, but opposition to Brown among Democrats.

The fate of the disfranchisement amendment is in doubt. Negroes are registered in large numbers and many whites will vote against it. The negroes will support Brown for Governor.

New stylish press called "Hill" by Lighter Tropic Cables, Spencer's, 33 Maiden Lane, N. Y.

TWO LICENSE GRAFT ARRESTS

SERG. P. J. BIRD AND POLICEMAN REID THE PRISONERS.

Bird, Who Has Been Missing, Is Accused of Extortion—Perjury Charge Against Reid—Two Other Policemen May Be Arrested—Jerome Takes a Hand.

Serg. Peter J. Bird and Policeman Patrick J. Reid, who have been connected with the Mayor's License Bureau, which has been under investigation by the Commissioners of Accounts, were arrested last night by detectives from the District Attorney's office. This action was taken after a conference between the Commissioners and Assistant District Attorney Murphy, who had been assigned by Mr. Jerome to assist in the investigation. It is likely that other policemen connected with the license bureau will be arrested.

Serg. Bird was arrested late last night at his home at 1083 Lind avenue, The Bronx, by three detectives from Mr. Jerome's office and brought to Police Headquarters. He was looked up charged with violation of section 522 of the Penal Code, the specific complaint being that "on April 10, 1907, he demanded \$300 from Dorothy Mason of 441 East 149th street under color of right of his office and received \$50."

Bird disappeared on Friday last after the hearing before the Commissioners of Accounts and was not found until Monday night, when Police Surgeon Brown got him at his Bronx home. After an examination Dr. Brown said he was fit for duty. Bird was ordered to report to the Mercer street station yesterday morning, but he did not. Had he failed to appear by this afternoon he would have been absent five days without leave and would have been dismissed from the department.

Bird testified before the commissioners that he had frequently renewed licenses when the applicant had not been present in person, but said that he had always turned in the money and had never charged more than the legal fee. William Brandt, a pedler, testified, however, that he had got a renewal of a license from Bird when he had never had one before.

Dorothy Mason, another witness, testified that she had opened a picture show on Boston road in April, 1907, and had been approached by Bird and told that she could not have any show unless she paid him \$300 for the license. She begged with him until she got the price down to \$50. This money was paid, and with witnesses she met Bird later in a saloon on Third avenue and 149th street.

Serg. Bird has been connected with the License Bureau for several years. It was said yesterday that there would be other disclosures in a few days.

Policeman Reid was arrested at the Mercer street station by Detective Flood of District Attorney Jerome's staff on a charge of perjury. At the hearing before the Commissioners of Accounts on Friday two men interested in a concern known as the Star Moving Picture Company testified that they had paid Reid \$50 for the privilege of doing business and that also they had been forced to buy their machines at a place recommended by Reid.

Reid when called to the stand swore that there was not a word of truth in their story and said that he did not know the two men. When Commissioner Mitchell called to them to stand up Reid admitted that he had seen them five days before. He said he had seen them when he went to inspect a new place they were about to open.

His explanation became so involved that Commissioner Mitchell asked him if he knew what perjury was and if he did not desire to change his testimony. Reid said that he did not know what perjury was. Then he was transferred to his room in the Mercer street precinct, where Commissioner Bingham could keep his eye on him.

Reid's home is at 76 Poncha avenue, Corona, L. I. He has been on the force fourteen and a half years. He was attached to the License Bureau for eighteen months.

He was locked up in the Mercer street station house and will be arraigned in the Tombs police court to-day.

Acting Capt. Henry of the Mercer street station went to the night court and told Magistrate Herman that the District Attorney did not want bail accepted for Bird or Reid until the surety had been passed upon by a representative of the District Attorney's office. There were two men ready to give bail for the policemen, but the Magistrate would not accept their bond.

THE CONSCIENCE OF '61.

Veteran, Well and Hearty, Returns \$1,172 to Pension Bureau.

WASHINGTON, Oct. 6.—Vespaian Warner, Commissioner of Pensions, told President Roosevelt to-day of a remarkable case of stricken conscience. Some time ago the Commissioner got a letter from a pensioner of the civil war surrendering his certificate and enclosing two \$500 coupon bonds of the United States and a draft for \$172, thereby making full restitution to the Government of all money he had received on account of the certificate of pension.

Commissioner Warner refused to give the name of the soldier and declared he had not disclosed it to the Treasurer of the United States, to whom were turned over the bonds and conscience money. When the conscience contribution first arrived the Commissioner caused an examination to be made of the records in the case. On the showing the veteran was entitled to his pension beyond a question. A special examiner was sent out to make an investigation on the theory that the soldier might be mentally irresponsible.

The conscience stricken man was found to be in excellent health and of sound mind. Thereupon the account with conscience was declared closed, and the bonds and money were covered into the miscellaneous receipts of the Treasury Department.

Two More Ohio Counties Go Dry.

COLUMBUS, Ohio, Oct. 6.—The Prohibitionists continued their victories to-day in local option elections, carrying Paulding county by 1,000 and Wyandot county by 50.

WON'T NOMINATE BECKETT.

Tammany Picks John P. Cohan for Surrogate—Nominations To-Night.

The Republican and Democratic county conventions will be held to-night to nominate each a candidate for Justice of the Supreme Court, a Surrogate and two Justices of the City Court. The Democrats will meet in Tammany Hall and the Republicans in Murray Hill Lyceum. The Tammany nomination for Surrogate Court will probably go to Emanuel Blumenfeld, who is a friend of Justice Trux and of Charles F. Murphy but has never been active in Tammany politics. The friends of John J. Delany are working in his interest and his name may be presented to the convention.

John P. Cohan will be put up by Tammany for Surrogate. Mr. Murphy has refused to listen to the appeals made to him to join with the Republicans in nominating Surrogate Beckett to succeed himself. Mr. Cohan is a brother of Dan Cohan, Mr. Murphy's mentor and adviser and chairman of the Tammany Hall committee on law.

For the two places on the City Court bench there are many applicants. It is understood that Maurice B. Blumenfeld is almost certain to land one of the nominations and that the other will go either to John J. Freschi, Edward B. La Petra, Robert L. Laue or Alfred J. Talley.

M. Linn Bruce for Supreme Court.

The choice of the Republican county convention for Justice of the Supreme Court will probably be ex-Lieut.-Gov. M. Linn Bruce. Charles S. Whitman the organization regards as Mayoralty timber for next year. Surrogate Beckett will be named to succeed himself. The candidates for places on the City Court bench will, according to the tentative ticket made up last night, be Douglas Matheson and Isidor Wasservogel.

DARRIN NOT RENOMINATED.

Queens Republicans Name Dana Wallace for District Attorney.

Dana Wallace was nominated for District Attorney by the Republicans of Queens county last night. Mr. Wallace is at present an Assistant District Attorney and is the nominee of the Independent League. Ira G. Darrin, who was a candidate for re-nomination, was dropped after a complimentary informal ballot, and his name was not mentioned on the formal ballot.

The candidates besides Wallace and Darrin were Thordyde C. McKee, another Assistant District Attorney, and James A. Dayton, whom Mr. Darrin appointed as a special assistant to help in the prosecution of the Hains brothers. On the formal ballot the vote stood Wallace, 84, and Dayton, 70.

Mr. Darrin several times had expressed a determination not to run again and this gave his opponents an advantage. A short time ago he announced himself as a candidate but aroused no interest on his side of his own district. It is doubtful if the Hains trial will be completed before Mr. Darrin retires from office the first of January.

RAILROAD BAITING LAW VOID.

Mississippi Statute Penalizing Suit Transfers Held to Be Unconstitutional.

GULFPORT, Miss., Oct. 6.—Judge Wood of the Chancery Court to-day declared unconstitutional the act of the Legislature which penalizes railroads that remove litigation from the State to the Federal courts.

The question came up in the case of the State of Mississippi, which sought to oust the Louisville and Nashville Railroad from the State because the road had recently transferred litigation started in the State courts to the Federal courts.

The case was argued at length to-day by the Attorney General and the lawyers representing the railroad, and a demurrer filed by the railroad pleading the unconstitutionality of the law was sustained by the court.

NIGHT RIDERS BURN HOUSES.

Send Notices to Planters Fixing Rents Then Fire Their Property.

JONESBORO, Ark., Oct. 6.—Two residences and one tenement were burned at Leslie by night riders last night, causing a loss of more than \$4,000.

The houses were the property of William Stewart and Andrew Echig. Stewart, who owns a plantation of 400 acres, and Echig, 250 acres, both received letters the same day which read nearly the same. One received by Echig was as follows:

"Rent your land for 1909 at \$4 per acre. Furnish good houses and good fences, or house for each forty acres. This is a reasonable demand. If you don't think so we will prosecute. Fire has the same power to-day that it had at the beginning of the world. We don't intend to harm any one who obeys our commands. But this you must do or suffer financially or possibly in the flesh. And when you receive this notice simply obey. Back talk don't go with us."

(Signed) N. H. D.

HAINS LAWYER SEEKS DELAY.

Says Grand Jury Foreman Is a Friend of the Anties.

John F. McIntyre of counsel for Capt. Peter C. Hains and his brother, T. Jenkins Hains, announced yesterday that he would protest against the case being presented to the present Grand Jury on the ground that William H. Williams, Jr., the foreman, was a personal friend of William E. Annis, whom Capt. Hains shot.

The housewife, Williams, and long a friend of Mrs. Annis, and that since the shooting Williams had declared that the Captain and his brother ought to be hanged for the murder.

Mr. McIntyre, it is expected, will serve notice on the District Attorney that he will challenge Williams and contest any indictment that a Grand Jury of which Williams is a member may return. If McIntyre's protest is heeded it will mean that the indictment of the Hainses will have to go over to the November Grand Jury.

RAPS TOM TAGGART'S RESORT.

Indiana Courts Decide Against French Lick and West Baden Concerns.

INDIANAPOLIS, Oct. 6.—Progress in putting the French Lick Hotel Company, of which Thomas Taggart is the head, and the West Baden Hotel Company, owned by Lee Sinclair, on trial for their corporate lives was made for the State to-day when the Appellate Court denied a petition for rehearing in the suits to forfeit the charters of the two companies.

The blow was suffered by the French Lick gamblers when the Supreme Court to-day reversed the decision of Judge Buskirk of the Orange county Circuit Court quashing an indictment against Taggart and Sinclair for having visited a gambling house near French Lick.

REGISTRATION STILL BEHIND

TOTAL FOR TWO DAYS IS \$6,000 LESS THAN IN 1907.

This County Responsible for \$2,000 of the Loss—There Are Really Some 60,000 Missing Voters If All Commissions Are Taken to Be Normal.

The registration, which would be from 7 to 8 per cent. above that of 1904 if the precedent to the preceding four year interval were followed—and that means would approximate 470,000 for the two days in the whole city—is so far only 408,466, compared with 484,817 for two days in 1904. As heretofore, the last district to report was Percy Nagle's, the Thirtieth, Manhattan.

The greatest loss is in the downtown districts in Manhattan, while the growing up town districts are beating the 1904 record. The total for this county is 224,801, against 247,525 in 1904. Brooklyn is nearly 8,000 behind 1904; Queens, which grows rapidly, is 3,000 ahead, and Richmond is a little behind. The detailed returns follow:

SUMMARY.
First Two Days.

1908. 1907. 1906. 1905. 1904.

Manhattan, 224,801. 247,525. 230,800. 247,525. 247,525.

Brooklyn, 149,190. 160,825. 128,000. 124,628. 104,827.

Queens, 21,867. 17,000. 18,269. 18,269. 21,084.

Richmond, 8,510. 6,706. 1,509. 7,311. 8,381.

Total, 408,466. 484,817. 382,578. 398,052. 381,827.

Details for New York and Kings counties follow:

MANHATTAN AND BROOKLYN.
First Two Days.

1908. 1907. 1906. 1905. 1904.

Manhattan, 110,400. 123,762. 105,400. 105,400. 105,400.

Brooklyn, 114,400. 123,762. 105,400. 105,400. 105,400.

Total, 224,801. 247,525. 210,800. 210,800. 210,800.

Queens, 10,905. 8,500. 9,134. 9,134. 10,542.

Richmond, 4,255. 3,353. 755. 3,637. 4,169.

Total, 149,190. 160,825. 128,000. 124,628. 104,827.

Total, 408,466. 484,817. 382,578. 398,052. 381,827.

WIFE TACKLES BANKRUPT.

She Wants Her \$5 a Week—Snyder Says He'll Borrow It.

Ospar Snyder, who went into bankruptcy with Honest John Kelly when the Rye Beach Inn busted, was in the West Side court yesterday to answer a charge of non-support made by his wife, Amelia, of 80 West 151st street. Snyder was arrested by Lieut. Kniss of the court, squad immediately after yesterday's hearing in bankruptcy before United States Commissioner Gilchrist.

Snyder's wife said that ex-Magistrate Pool four years ago had ordered her husband to pay her \$5 a week and that he had paid it up to three weeks ago. Snyder said that his affairs were so tangled he could not raise the money, but he promised to borrow it. He was put on probation by Magistrate Stetner.

SKYSRAPER LIMIT 350 FEET.

If the Building Code Revision Commission Has Its Way.

Chairman Thomas J. Brady of the Building Code Revision Commission sent to the Aldermen yesterday the recommendation which has been decided on by the commission, that in future buildings erected in this city shall be restricted to a height of 350 feet unless the structures front on a park, square or plaza, in which case the height is not to exceed 500 feet.

The Aldermen referred the commission's recommendation to the Building Board with instructions to hold a public hearing. Whatever decision may be reached by the Board of Estimate and then by the Mayor.

SEIZING RUNNING FOR OFFICE.

Former 100 Yard National Champion Nominated for Assembly in Westchester.

NEW ROCHELLE, N. Y., Oct. 6.—The Democrats of the Second Assembly district of Westchester county to-night nominated Charles J. Seitz of Mount Vernon for the Assembly.

Mr. Seitz is 26 years old and a lawyer. He was formerly at Fordham University and Georgetown. In the latter university he was prominent in track athletics and also as an orator. After leaving college he joined the New York Athletic Club and in 1904 won the 100 yard national championship.

N. Y. & WESTCHESTER UPHELD.

Charter of Railroad Company Declared Valid by Court of Appeals.

ALBANY, Oct. 6.—The Court of Appeals to-day declared valid the charter of the New York, Westchester and Boston Railroad Company, which proposes to operate an electric road in The Bronx and Westchester county. The decision was in a condemnation proceeding.

The court decided further that as part of the original route is not now in the possession of the railroad company, before it can build the line along that part of the route which covers the land it is proposed to condemn the company will have to get a certificate of public necessity from the Public Service Commission. This does not affect the portions of the road already built.

NORMAN E. MACK ILL.

Chairman Collapses From Overwork and Severe Cold.

CHICAGO, Oct. 6.—Norman E. Mack, chairman of the Democratic national committee, collapsed here to-night in his